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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002265

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SUBJECT: ANTI-CORRUPTION CONSULTATIONS IN MOSUL

REF: BAGHDAD 1551

Classified By: ACCO Joseph Stafford, reason 1.4 (b and d)

SUMMARY

**¶1.** (C) Anti-Corruption Coordinator and staff (ACCO) visited Mosul, capital of Nineva province August 15-16. Anti-corruption efforts in Nineva include, inter alia, the conviction of the former Provincial Council President for contract fraud and the case of Nineva's prison warden, Hussein Tawfiq, who was arrested, incarcerated, and is facing embezzlement charges. ACCO and Provincial Reconstruction Team (PRT) Mosul met with the Governor, head of local Commission on Integrity (COI) office, and the chief judge of the Interior Ministry (MOI) courts for Nineva. Governor Atheel Al-Nujaifi readily acknowledged that corruption was widespread in the province and was harshly critical of the COI's performance and structure. By contrast, COI head Judge Mohsen portrayed his office as aggressively carrying out its mission to investigate corrupt activities, claiming that it had 1,121 cases open and that some involved senior officials.

He claimed that, because of threats, two investigating judges in Nineva handling corruption cases had suspended their work. MOI Chief Judge Hassan Al-Abeidi reported that his courts, covering three provinces, had issued convictions in only seven corruption cases in 2008-9. Anti-corruption efforts in Nineva occur against the backdrop of an upsurge in terrorist violence in recent months and political turmoil stemming from deep ethnic strains. ACCO extends its deepest thanks to PRT Mosul for the excellent support of the visit.

END SUMMARY.

OVERVIEW: ANTI-CORRUPTION EFFORTS IN MOSUL

**¶2.** (SBU) Anti-Corruption Coordinator and staff (ACCO) visited Mosul, the capital of Nineva province, August 15-16, consulting with Provincial Reconstruction Team (PRT) Mosul, MNF-I division and brigade officers, and local Iraqi officials. Highlights of provincial authorities' recent anti-corruption efforts on the enforcement front include: the conviction of the former Provincial Council President, who was sentenced to ten years' imprisonment for contract fraud; the arrest on corruption charges of the provincial prison warden, Hussein Tawfiq; and the removal of several senior military officers based in the province for extorting payments from troops under their command. The province boasts functioning branch offices of the Baghdad-headquartered Commission on Integrity (COI), Iraq's lead anti-corruption agency, and Board of Supreme Audit (BSA), which has functions similar to our GAO. A third anti-corruption institution, the corps of Inspectors General (IG), assigned to ministries and other GOI institutions, is also represented in several ministries' Nineva offices.

THE GOVERNOR

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¶3. (SBU) ACCO, joined by PRT Mosul officers, began their consultations with local officials by calling on Governor Atheel Al-Nujaifi and Vice Governor Judge Hassan Mahmoud Ali, both of the Arab Sunni-dominated Al-Hadba party. Al-Nujaifi readily acknowledged that corruption was widespread in Nineva, asserting that those responsible for abuses were often linked to terrorist elements or political parties. The Governor stated that the security forces in the province were also involved in corrupt practices, e.g., demanding bribes from citizens. Al-Nujaifi maintained that provincial authorities recognized the imperative of combating corruption, but lacked the resources -- funds, personnel, expertise -- to do so effectively. He added that the lack of cooperation among key actors in the anti-corruption Qeffort, Commission on Integrity, police, judiciary, also hampered the province's fight against corruption. In what was to be a key theme throughout the meetings, Al-Nujaifi said Nineva's dangerous security environment was yet another factor, with officials failing to leave their offices to investigate cases for fear of being attacked.

¶4. (C) Al-Nujaifi, joined by Vice Governor Judge Hassan Abdullah Ali, was harshly critical of the local COI office. He portrayed it as utterly failing in its mission of investigating corruption cases and transmitting them to the judiciary for prosecution. Instead of performing its mission, he charged, the COI currently functioned as an "intelligence gathering entity" that rarely referred its

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cases to the courts for prosecution. Both called for a thorough overhaul of the COI, to include providing it with competent personnel and adequate resources and revising the law (i.e. CPA Order 55) so as to restructure it. Al-Nujaifi and Ali added that the COI itself contained corrupt and incompetent personnel who needed to be weeded out if the agency was to perform effectively. (COMMENT: The Governor's and Vice Governor's strongly negative assessment of the COI office stands in sharp contrast to the upbeat views of the local COI director himself as reported below. While the precise reasons for the divergent judgments are unknown, we speculate that Al-Nujaifi associates the local COI office with the predominantly Kurdish political establishment that controlled Nineva's Governorship and Provincial Council until displaced by Al-Nujaifi's Al-Hadba party in January. END COMMENT)

COMMISSION ON INTEGRITY

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¶5. (SBU) The head of Nineva's COI office, Judge Mohsen, agreed that corruption was a major problem in the province and that abuses were especially plentiful in local authorities' contracting operations. In response to a query, however, he stated that the local judiciary appeared to be generally clean, as his office picked up virtually no claims of wrongdoing by Nineva's judges. Judge Mohsen portrayed the COI office as aggressively carrying out its mission, claiming that it currently had 1,120 corruption cases open and that some involved senior officials, at the level of Director General. As an example, he cited a case currently under investigation involving the Electricity Ministry's provincial representative, holding the rank of Director General, who had allegedly drawn up a fraudulent \$8 million contract, is under investigation and currently a fugitive. The COI rep stated that, in recent years, his office had submitted a total of 646 cases to the judiciary for further investigation and prosecution, while another 400 cases had been referred to the offending employees' institutions (e.g., provincial office, ministry, etc.) for administrative sanctioning. Judge Mohsen added that the COI had thrown out 219 cases after determining that they had been based on false accusations. He said that,

so far in 2009, investigating judges had referred 67 cases for trial, but professed ignorance as to how many of these had actually been tried as well as verdicts reached.

¶6. (SBU) Judge Mohsen said that, the COI office's achievements notwithstanding, Ninewa's difficult security situation constrained its activities. Noting that his predecessor as COI office director had been murdered along with, more recently, four members of his own security team, Judge Mohsen said he slept in his office and had sent his family to Syria for their safety. He observed that the security concerns also constrained the judiciary, reporting that two investigating judges in Ninewa responsible for corruption cases were at present absent from work and staying at home due to threats against them. In response to a question, Judge Mohsen said assistance in strengthening protection arrangements for local COI staff (e.g., provision of armored vehicles, installation of enhanced lighting and other security measures at the COI office building) would be welcomed.

INTERIOR MINISTRY (MOI) JUDGE

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¶7. (SBU) Our final meeting was with Brigadier General Hasan Husain Ahmad Al-Ubaidi, Chief Judge of the MOI court system for the provinces of Ninewa, Kirkuk, and Salah Al-Din. He noted that the MOI courts, established in 2008, have jurisdiction over crimes in which the defendant is a police officer, but that if a crime is committed against a civilian, the case is handled by the regular civilian courts. He claimed that his courts rarely received corruption cases, reporting a mere four convictions of police officers on corruption charges so far this year and claiming even fewer -- three -- for all of 2008. We asked how these low conviction figures could be squared with ongoing allegations of persons paying bribes to obtain jobs in the police force and, once hired, to obtain promotions. In response, Judge Al-Abeidi demurred, saying the MOI courts only dealt with the cases presented to them through the investigative process, not with "cases" based on "allegations." (COMMENT: The conviction figures seem far too low; as reported refetel, figures presented in June by police in one of the provinces covered by the Ninewa courts, Kirkuk, indicated that for one month alone, one-fourth of 50 or so crimes by police officers involved such corrupt activities as bribery and fraud. END COMMENT) We asked whether the cases presented to the MOI courts involved lower-ranking police officers only, with senior officials tried in regular civilian courts. Judge Al-Abeidi responded that police officers of all ranks were tried in the MOI court system, stating that at present a

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senior traffic police officer in Kirkuk, Brigadier General in rank, was awaiting trial on corruption-related charges.

COMMENT

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¶8. (C) Given the upsurge in terrorist violence and political turmoil stemming from deep ethnic strains (Arabs, Kurds, and various minorities) besetting Ninewa in recent months, it is remarkable that the anti-corruption dossier looms as large as it does for provincial officials, judging from our consultations. Clearly, anti-corruption efforts in Ninewa are circumscribed by officials' security worries. Those efforts are also doubtlessly hindered by Governor Al-Nujaifi's evident disregard for the local COI office. Yet another constraint centers on Ninewa's Provincial Council; the ongoing boycott of the Sunni-majority Council by Kurd-dominated opposition members compromises the Council's oversight role vis-a-vis the Governor's office and other provincial executive institutions. But actions such as the arrest and impending prosecution of the province's prison warden on corruption charges testify to a will by some Ninewa

authorities to overcome these constraints to bring to account  
those responsible for abuses. END COMMENT

HILL